

AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING**OFFENSE CHARGED**

SETT ATTACHMENT

**E-filing**☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony

PENALTY:

SEE ATTACHMENT

**PROCEEDING**Name of Complainant Agency, or Person (& Title, if any)  
ALCOHOL, TOBACCO AND FIREARMS☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a pending case involving this same defendant☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded underSHOW  
DOCKET NO.MAGISTRATE  
CASE NO.Name and Office of Person  
Furnishing Information on  
THIS FORM**SCOTT N. SCHOOLS**☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y  
(if assigned)**DANIEL KALEBA, AUSA**Name of District Court, and/or Judge/Magistrate Location  
NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

JOSE JESUS MARTINEZ (a/k/a "JJ" Martinez)

DISTRICT COURT NUMBER

**CR07-0793****DEFENDANT****IS NOT IN CUSTODY**

- 1) ☐ Has not been arrested, pending outcome this proceeding.  
If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

**IS IN CUSTODY**

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☒ Awaiting trial on other charges

☐ Fed'l ☒ State

If answer to (6) is "Yes", show name of Institution

Santa Rita Jail

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

**DATE OF ARREST**

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

Month/Day/Year

**DATE TRANSFERRED TO U.S. CUSTODY**☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☐ NO PROCESS\*☒ WARRANTBail Amount: NO BAIL

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

\*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

***United States v. Jose Jesus Martinez***  
***PENALTY SHEET***

Counts One through Three – Distribution of Heroin (Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C))

Imprisonment:	Maximum 20 Years Imprisonment
Fine:	Maximum \$1,000,000
Supervised Release:	Maximum Lifetime Supervised Release Mandatory Minimum 3-Year Term of Supervised Release
Special Assessment:	\$100

Count Four – Possession with Intent to Distribute Heroin (Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C))

Imprisonment:	Maximum 20 Years Imprisonment
Fine:	Maximum \$1,000,000
Supervised Release:	Maximum Lifetime Supervised Release Mandatory Minimum 3-Year Term of Supervised Release
Special Assessment:	\$100

Count Five – Possession with Intent to Distribute Cocaine Base (“Crack” Cocaine) (Title 21, United States Code, Sections 841(a)(1) and 841

Imprisonment:	Maximum 40 Years Imprisonment Mandatory Minimum 5 Years Imprisonment
Fine:	Maximum \$2,000,000
Supervised Release:	Maximum Lifetime Supervised Release Mandatory Minimum 4-Year Term of Supervised Release
Special Assessment:	\$100

Count Six – Felon in Possession of Ammunition (Title 18, United States Code, Section 922(g)(1))

Imprisonment:	10 Years Imprisonment
Fine:	Maximum \$250,000
Supervised Release:	Maximum 3-Year Term of Supervised Release
Special Assessment:	\$100

# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA  
CRIMINAL DIVISION

VENUE: OAKLAND

007-0793

CW

UNITED STATES OF AMERICA,

v.

JOSE JESUS MARTINEZ  
(a/k/a "JJ" Martinez),

E-filing

**FILED**

DEC 13 2007

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

DEFENDANT.

## INDICTMENT

VIOLATION: 21 U.S.C. §§ 841(a)(1) and (b)(1)(C) –  
Distribution of Heroin (Three Counts); 21 U.S.C. §§  
841(a)(1) and (b)(1)(B)(iii) – Possession With Intent to  
Distribute Cocaine Base; 21 U.S.C. §§ 841(a)(1) and (b)  
(1)(C) – Possession With Intent to Distribute Heroin; 18  
U.S.C. § 922(g)(1) – Felon in Possession of  
Ammunition

A true bill.



Foreman

Filed in open court this 13<sup>th</sup> day of

December 2007

Clerk

Bail, \$

No bail arrest warrant.

Wayne P. Brazil

12-13-07

SCOTT N. SCHOOLS (SC 9990)  
United States Attorney

**FILED**

DEC 13 2007

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

**E-filing**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

CW

**CR07-0793**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
JOSE JESUS MARTINEZ  
(a/k/a "JJ" Martinez),  
  
Defendant.

Criminal No.:

VIOLATIONS: 21 U.S.C. §§ 841(a)(1) and  
(b)(1)(C) – Distribution of Heroin (Three  
Counts); 21 U.S.C. §§ 841(a)(1) and  
(b)(1)(B)(iii) – Possession With Intent to  
Distribute Cocaine Base; 21 U.S.C. §§  
841(a)(1) and (b)(1)(C) – Possession With  
Intent to Distribute Heroin; 18 U.S.C. §  
922(g)(1) – Felon in Possession of Ammunition

OAKLAND VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE: (21 U.S.C. §§ 841(a)(1) and (b)(1)(C) – Distribution of Heroin)

On or about August 30, 2007, in the Northern District of California, the defendant,

JOSE JESUS MARTINEZ  
a/k/a JJ Martinez,

did knowingly and intentionally distribute approximately 25 grams of a mixture and substance  
containing a detectable amount of heroin, a Schedule I controlled substance, in violation of Title  
21, United States Code, Sections 841(a)(1) and (b)(1)(C).

INDICTMENT

1 COUNT TWO: (21 U.S.C. §§ 841(a)(1) and (b)(1)(C) – Distribution of Heroin)

2 On or about September 6, 2007, in the Northern District of California, the defendant,

3 JOSE JESUS MARTINEZ,  
4 a/k/a JJ Martinez,

5 did knowingly and intentionally distribute approximately 25 grams of a mixture and substance  
6 containing a detectable amount of heroin, a Schedule I controlled substance, in violation of Title  
7 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

8 COUNT THREE: (21 U.S.C. §§ 841(a)(1) and (b)(1)(C) – Distribution of Heroin)

9 On or about October 3, 2007, in the Northern District of California, the defendant,

10 JOSE JESUS MARTINEZ,  
11 a/k/a JJ Martinez,

12 did knowingly and intentionally distribute a mixture and substance containing a detectable  
13 amount of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code,  
14 Sections 841(a)(1) and (b)(1)(C).

15 COUNT FOUR: (21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(iii) – Possession With Intent to  
16 Distribute Cocaine Base)

17 On or about October 9, 2007, in the Northern District of California, the defendant,

18 JOSE JESUS MARTINEZ,  
19 a/k/a JJ Martinez,

20 did knowingly and intentionally possess with intent to distribute at least 5 grams of a mixture and  
21 substance containing a detectable amount of cocaine base (in the form of “crack” cocaine), a  
22 Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1)  
23 and (b)(1)(B)(iii).

24 COUNT FIVE: (21 U.S.C. §§ 841(a)(1) and (b)(1)(C) – Possession With Intent to  
25 Distribute Heroin)

26 On or about October 9, 2007, in the Northern District of California, the defendant,

27 JOSE JESUS MARTINEZ,  
28 a/k/a JJ Martinez,

did knowingly and intentionally possess with intent to distribute a mixture and substance

1 containing a detectable amount of heroin, a Schedule I controlled substance, in violation of Title  
2 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

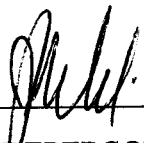
3 COUNT SIX: (18 U.S.C. § 922(g)(1) – Felon in Possession of Ammunition)

4 On or about October 9, 2007, in the Northern District of California, the defendant,

5 JOSE JESUS MARTINEZ,  
6 a/k/a JJ Martinez,

7 having been convicted of a crime punishable by imprisonment for a term exceeding one year, did  
8 knowingly possess ammunition, namely, approximately 28 rounds of 9 millimeter Speer  
9 “Lawman” (Lugar) ammunition, in and affecting interstate commerce, in violation of Title 18,  
10 United States Code, Section 922(g)(1).

11 DATED: December 13, 2007 A TRUE BILL.

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15 FOREPERSON

16 SCOTT N. SCHOOLS  
17 United States Attorney

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19 W. DOUGLAS SPRAGUE  
Chief, Oakland Branch

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21 (Approved as to form: )  
22 AUSA DANIEL KALEBA  
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